

10/532943
JC12 PCT/PTC 26 APR 2005
A2

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV532467416US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 26, 2005

Signature:


(Richard Zimmermann)

Docket No.: 27656/40689
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Peter FUCHS

Application No.: Not Yet Assigned
(National Phase of PCT/IB2002/004772)

Confirmation No.: N/A

Filed: **April 26, 2005**

Art Unit: N/A

For: **TAMPER EVIDENT TUBE CLOSURE
WITH TWIST-AWAY CENTRING**

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.97, Applicant hereby makes of record the following documents. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement.

Applicant has become aware of the following documents, cited in an International Search Report issued June 27, 2003, during the prosecution of International Application No. PCT/IB2002/004772, which corresponds to the above referenced application, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submits these documents for the Examiner's consideration. These documents are cited on the enclosed PTO Form SB/08, and a copy of the International Search Report and of each document required under 37 CFR 1.98(a)(2) cited thereon are enclosed as well.

Reference E (WO 02/12083) is in the German language and includes an English language abstract on the cover page. This reference represents that it discloses an invention relating to a tube that comprises a tube body (3) and a tube lid (1) that are injection-molded one on top of the other from a plastic material and in a form fit while consisting of two different plastic components so that afterwards one can be pushed on the other in a form fit. The tube body (3) has a conically tapered collar (12) that ends in a rim (27) that encloses a pin (13) at a certain distance. Said pin is linked with the rim (27) via a weakened section that acts as a predetermined break line (16). The tube lid (1) encloses the tube collar (12) in a form fit and, at its proximal end, is provided with a sleeve (15) that can be pushed on the pin (13) in a perfect fit. By taking the tube lid (1) off and pushing it inversely on the pin (13) said pin is twisted off and the tube is opened. The tube lid (1) can be re-used in the normal sense of use in order to tightly close the tube. According to the reference, the tube body (3) is injection-molded first. Once the tube body has cooled off, the tube lid (1) is directly injection-molded onto the tube body so that the finished tube is ejected from the tool with the tube lid (1) already placed on top of it.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicant understands the Examiner will make an independent evaluation of the cited documents.

The undersigned hereby certifies that each item contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Furthermore, in accordance with 37 CFR 1.704(d),

Application No.: Not Yet Assigned

Docket No.: 27656/40689

Applicant notes that to our knowledge this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of this statement.

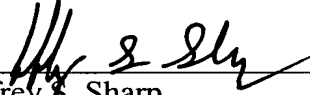
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 27656/40689.

A duplicate copy of this paper is enclosed.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
312-474-6300

By:



Jeffrey S. Sharp
Registration No. 31,879
Attorney for Applicant

April 26, 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	April 26, 2005
				First Named Inventor	Peter Fuchs
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	27656/40689
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	US-4,688,703	08-25-1987	Bayer	
	B	US-4,773,548	09-27-1988	Deussen	
	C	US-5,255,804	10-26-1993	Butterbrodt	
	D	US-5,586,672	12-24-1996	Schneider et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	E	WO 02/12083	02-14-2002	Weber		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	F	International Search Report corresponding to International Patent Application Serial No. PCT/IB2002/004772, European Patent Office, dated June 27, 2003, 3 pages.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 27656/40689

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV532467416US** in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on April 26, 2005
Date



Signature

Richard Zimmermann

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

IDS (Citation) by Applicant (6 References) (1 page)
Supplemental Information Disclosure Statement